

March 4, 1999


Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
Room 222
445 12th Street, S.W.
Washington, DC 20554

DOCKET FILE COPY ORIGINAL
RECEIVED
MAR 5 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas,

Enclosed is an original and four copies of a Petition for Rule Making to amend the FM table of allotments for a new FM broadcast station for Kihei, Hawaii.

Sincerely,


Victor A. Michael Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

307-778-9318

No. of Copies rec'd 0 + 4
List A B C D E MMB

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

RECEIVED
 MAR 5 1999
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the matter of:)

Amendment of Section 73.202 (b))

Table of Allotments)

FM Broadcast Stations)

(Kihei, Hawaii))

RM-_____

PETITION FOR RULE MAKING

In this petition, Mountain West Broadcasting is hereby requesting to allot channel 298C2 (96.7 Mhz) to Kihei, Hawaii as its first local FM allotment.

INTRODUCTION

1. This statement is a petition for rule making to allot FM channel 298C2 (107.5 Mhz) to Kihei, Hawaii and add it to the Commission's FM table of allotments, 73.202. The following will show the need for an FM channel and the effects the allotment of Channel 298C2 to Kihei will have.

DISCUSSION

2. Kihei is located on Maui island. It is also located within Maui County, a county of some 100,374 persons. Kihei has a population of 11,107 persons in accordance with the U.S. 1990 census.

3. The allotment of channel 298C2 to Kihei will provide the first local broadcast facility to the community and/or the surrounding area. The closest FM allotment is located at Haliimaile, Hawaii. Haliimaile is located 5 kilometers from Kihei.

It is obvious that from the above spacing that Kihei is presently without local FM service.

4. Kihei would greatly benefit from an FM allotment due to the fact there is no AM or FM broadcast facilities within 5 Kilometers of Kihei. Because of this, it would have an outlet for local self expression. Health and safety for the community would be increased due to having a local communications outlet for warning the area of emergency conditions caused by severe weather or other health hazards.

5. Channel 298C2 can be allotted to Kihei and meet all rules and requirements of the Commission. The instant proposal will not cause a change in the channel number or a deletion of any channel now appearing in the Commission's table of allotments 73.202.

	<u>Present</u>	<u>Proposed</u>
Kihei, Hawaii	-----	298C2

6. In accordance with 73.207 of the Commission's rules, "Minimum Distance Separations between Stations", all allotments on Channel 298C2 and the pertinent adjacent channels to 298C2 have been studied with the results listed in Figure 1 of this petition. The geographic coordinates used for the spacing

Study (N 20 - 47' - 00", W. 156 - 27' - 48") are that of a site located within the community of Kihei. No site restriction will be required to allot channel 298C2 to Kihei. Many suitable transmitter sites are available to provide city grade coverage (3.16 mv/m or 70 dbu) to the entire community of Kihei. These sites would also provide full minimum spacing requirements to other allotments.

CONCLUSION

7. It has been shown that Kihei a would benefit from the allotment of channel 298C2. It has also been shown that channel 298C2 can be allotted to Kihei and meet all rules regarding spacing from other stations. Considering these two facts, Mountain West Broadcasting hereby requests that the Federal Communications Commission institute a Rule Making proceeding to amend the Table of Allotments to include channel 298C2 for Kihei, Hawaii , 73.202.

8. Should channel 298C2 be allotted to Kihei, I certify that I will file an application for a Construction Permit to operate an FM station for Kihei, Hawaii.

CERTIFICATION

9. I certify that I have prepared or directly supervised the preparation of this entire Petition for Rule Making, and that the facts contained within are true to the best of my knowledge, information and belief, accurate and true.

Dated: March 4, 1999

Respectfully submitted,



Victor A. Michael Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, WY 82009

307-778-9318

MAPFM search of channel 298C2 (107.5 MHz), at N. 20 47 0, W. 156 27 48.

Searching Channel 298C2 (107.5 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
K244AG	Maui	HI	244	D	L	12.3	0.0	332.4°	12.3
K244DN	Honokowa, etc.	HI	244	D	L	46.1	0.0	278.6°	46.1
ALC	Kawaihae	HI	295	A	U	105.1	55.0	141.4°	50.1
KWYI	Kawaihae	HI	295	A	L	130.2	55.0	139.7°	75.2
K297AC	Wailuku, etc.	HI	297	D	L	12.6	0.0	341.1°	12.6
ALC	Volcano	HI	299	C3	U	195.3	117.0	139.9°	78.3
KKOA	Volcano	HI	299	C3	L	195.2	117.0	136.5°	78.2
ALC	Aiea	HI	300	C	U	166.5	105.0	293.2°	61.5
KGMZFM	Aiea	HI	300	C	L	183.2	105.0	291.8°	78.2

FIGURE 1
KIHEI, HAWAII
MOUNTAIN WEST BROADCASTING